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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/602,547	06/24/2003	Kyle Bateman	2280.ACTI.NP	1226
27472 7590 04/18/2007 RANDALL B. BATEMAN BATEMAN IP LAW GROUP 8 EAST BROADWAY, SUITE 550 PO BOX 1319 SALT LAKE CITY, UT 84110			EXAMINER CHAMBERS, TROY	
			ART UNIT 3641	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		04/18/2007	PAPER	

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

10/602,547

Applicant(s)

BATEMAN ET AL.

Examiner

Troy Chambers

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-26, 36-39 and 45-56 is/are pending in the application.
- 4a) Of the above claim(s) 9-11 and 45-49 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 12-26, 36-39, 50-53, 55 and 56 is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☒ Claim(s) 6 and 7 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |  |
|---|--|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                      | 5) <input type="checkbox"/> Notice of Informal Patent Application                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____  |

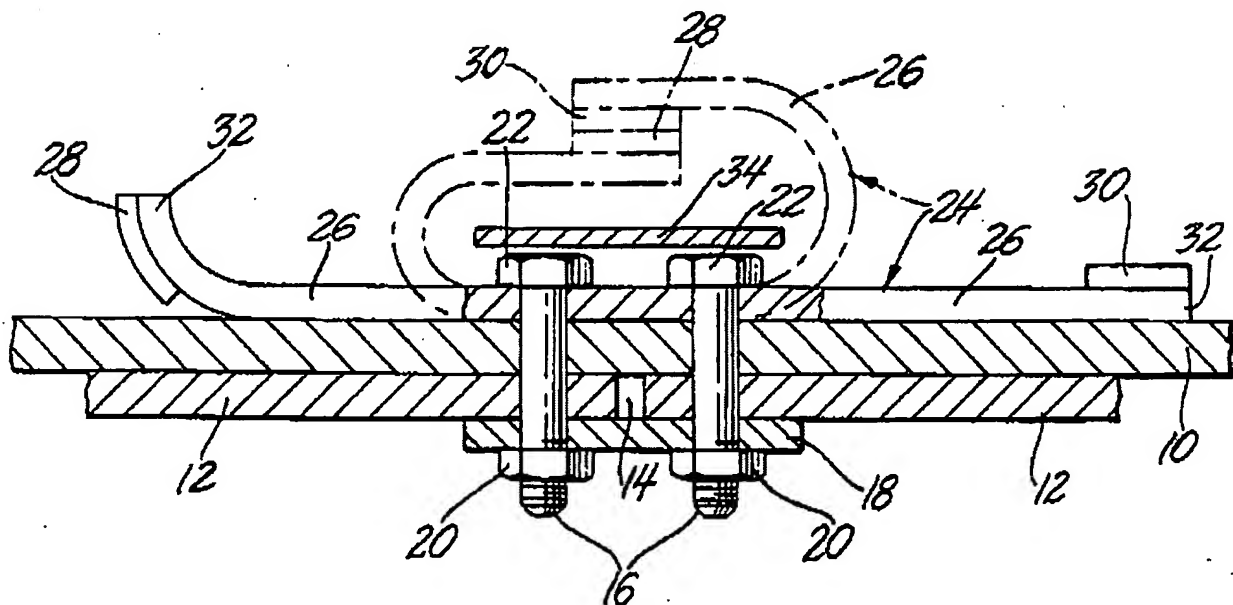


**DETAILED ACTION*****Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-3 and 54 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 5600084 issued to Gonzalez.



1. Gonzalez discloses a modular ballistic wall, comprising:
  - a. first and second steel plates (steel shading) 12
  - b. facing strip 18
  - c. a backing strip 34

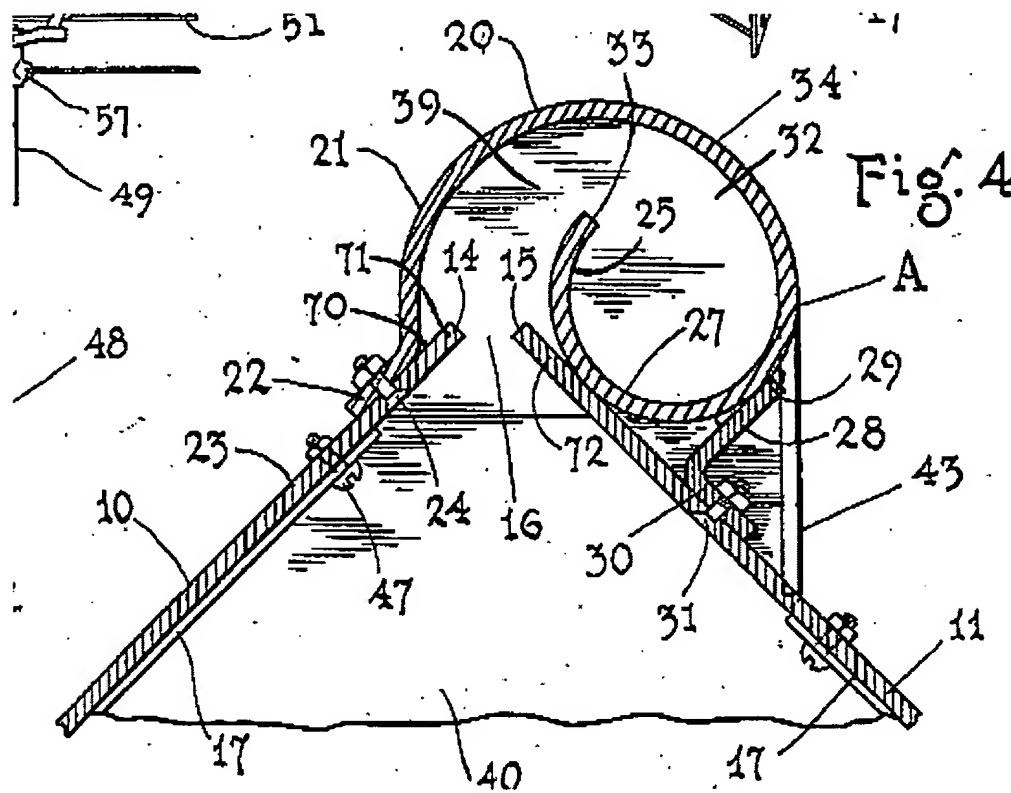
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d.	an arm/mounting brackets	26
e.	bullet containment frame	10
f.	holes (keyholes)	
g.	bolts	16
h.	nuts	20

Gonzalez does not appear to disclose the hole and slot configuration claimed by the applicant. However, the Examiner takes Official notice that it is well known to use the hole and slot configuration as claimed by the applicant. At the time of the invention, one having ordinary skill in the art would have found it obvious to provide the device of Gonzalez with the hole and slot configuration; the suggestion/motivation for doing so would have been to allow for the relatively easy alignment of the various plates and facing strips with respect to one another.

2. Claims 1-5 and 54 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 2013133 issued to Caswell.

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3. Caswell discloses a modular ballistic wall, comprising:

- |    |                            |            |
|----|----------------------------|------------|
| i. | metal plates               | 10, 11     |
| j. | facing strip               | 18         |
| k. | bolts/nuts                 | 47         |
| l. | backing strip              | 20         |
| m. | containment frame          | 36         |
| n. | mounting bracket           | 28         |
| o. | ricochet inhibiting sheets | 48, 65, 66 |

4. Caswell does not appear to disclose the hole and slot configuration claimed by the applicant. However, the Examiner takes Official notice that it is well known to use the hole and slot configuration as claimed by the applicant. At the time of the invention,

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one having ordinary skill in the art would have found it obvious to provide the device of Caswell with the hole and slot configuration; the suggestion/motivation for doing so would have been to allow for the relatively easy alignment of the various plates and facing strips with respect to one another.

5. Claims 1-3 and 54 are rejected under 35 U.S.C. 103(a) as being unpatentable over Prior Art Fig. 3a Old. Figure 3a Old discloses a modular ballistic wall having first and second plates, keyholes (see interpretation of keyhole), facing/backing strip and a plurality of bolts and nuts. Figure 3a Old also discloses a containment frame comprising a wood post. With respect to claim 21, at least one arm (bolt arm) extends away from the pieces of plate steel. With respect to claim 36, the wood post completely covers an attachment mechanism (nuts and bolts) when viewed in a direction perpendicular to the wall. With respect to claim 39, it does not appear that bolt 190 extends all the way through containment frame 194.

6. Fig. 3a Old does not appear to disclose the hole and slot configuration claimed by the applicant. However, the Examiner takes Official notice that it is well known to use the hole and slot configuration as claimed by the applicant. At the time of the invention, one having ordinary skill in the art would have found it obvious to provide the device of Fig. 3a Old with the hole and slot configuration; the suggestion/motivation for doing so would have been to allow for the relatively easy alignment of the various plates and facing strips with respect to one another.

***Response to Arguments***

7. Applicant's arguments filed 07/03/2006 have been fully considered but they are not persuasive.
8. Applicant's arguments with respect to claim 1 have been considered but are moot in view of the new ground(s) of rejection.

***Allowable Subject Matter***

9. Claims 12-26, 36, 37-39, 50-53, 55 and 56 allowed.

***Conclusion***

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

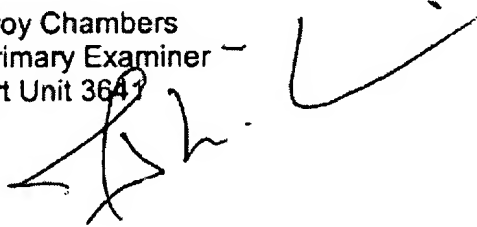


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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Troy Chambers whose telephone number is (571) 272-6874 between the hours of 7:00 a.m. to 3:30 p.m., M-F. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael J. Carone, can be reached at (571) 272-6873.

Troy Chambers  
Primary Examiner  
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TC  
04/17/2006

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